

GOVERNMENT OF ANDHRA PRADESH

A B S R A C T

Social Welfare Department – Land Acquisition for House Sites – Kurnool District – Prathakota Village, Pagidyala Mandal - Land Acquired for provision of house sites to the weaker section people – Sanction of Rs.1,64,39,489/- towards balance decretal charges in O.P Nos.254, 255, 256, 257, 258 of 1993 – Orders- Issued.

SOCIAL WELFARE (Budget&LA) DEPARTMENT

G.O.RT.No. 75

Dated: 03.03.2015

Read the following

1. From the Dist Collector, Kurnool Lt.Rc.No.K.96/SW.LA/2006, dated 04.06.2014.
2. From the CSW, A.P., Lt.No.G2/57/2014, dated 28.06.2014,
3. From the Spl.CS & CCLA, Lt. No. LA.1-1/70/2014, dated 8/11/2014.

ORDER:

In the reference 3rd read above, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the Mandal Revenue Officer/LAO, Pagidyala has acquired land to an Extent of Ac. 7.92 cts in Sy. No. 146 etc., in Prathakota Village, Pagidyala Mandal, for provision of house sites to the weaker sections. The Mandal Revenue Officer/LAO, Pagidyala has passed Award No. **2/87-88** dated 17.3.1988, by fixing the market value for the lands under acquisition @ **12000/-** per acre. On a reference, the Prl. Subordinate Judge, Kurnool in **OP. No. 254/93 to 258/93 dt : 11/09/1995** has fixed the market value @ **Rs. 18,000/-**. Not satisfying with the amount of compensation, the petitioners have filed Appeals in the High Court of AP, Hyderabad. The Hon'ble High Court in its order dt : 24/04/2006 in AS No.683/96, 684/96, 2091/96, 2093/96 and 1910/2005, without going into the merits of the case fixed the market value @ **Rs. 3,000/-** per cent i.e. **Rs. 3,00,000/-** per acre. The MRO/LAO, determined the market value basing on the sale transactions occurred in the vicinity three years preceding to the date of the D.N. Whereas the Hon'ble Court has not taken into consideration the sale transaction occurred in the vicinity. The Government Pleader for Appeals, High Court of AP in his Letter dated 13/07/2006, has stated that the Division Bench of Hon'ble High Court did not take into consideration and assessed the market value with reference to Ex. X1 (O.P.No. 146/81) and Ex.X3 (A.S.No. 2650/1987). The Division Bench committed grave error in not taking into consideration and as a result, assessed the marker value @ Rs. 3,00,000/- per acre, which is not based on any evidence and it is excessive and exorbitant. Finally he opined to carry the matter to the Supreme Court of India by way of filing SLP, without any delay. The Supreme Court of India, in CA Nos. 5512-5516 of 2007, dismissed the Appeals on 01/11/2013 and confirmed the High Court orders dated 13.07.2006 in AS No.683, 684, 2091 & 2093 of 1996 and also directed the appellant and the State Govt of AP to pay the balance amount of compensation together with all statutory benefits to the respondents. Thereafter, the District Collector, Kurnool has submitted proposals for sanction of Rs. **1,64,39,489/-** (Rupees one crore sixty four lakhs thirty nine thousand four hundred and eighty nine only) to settle the dues to the losers who filed the O.P.Nos. 254/93 to 258/93 for the lands acquired to an Extent of Ac. 7.92 cts in Sy. No. 146 etc., in Prathakota village Pagidyala Mandal of Kurnool District to provide house sites to the weaker sections.

2. After verification and scrutiny of the proposal submitted by the Commissioner of Social Welfare, A.P., Hyderabad / District Collector, Kurnool, the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has sent comparative calculation sheet for sanction and release of balance decretal charges for an amount of **Rs. 1,64,39,489/-** (Rupees One Crore Sixty Four Lakhs Thirty Nine Thousand Four Hundred and Eighty Nine only) in respect of OP. Nos. 254, 255, 256, 257, 258/1993, for the lands acquired to an Extent of Ac. 7.92 cts in Sy. No. 146 etc., in Prathakota village, Pagidyala Mandal, of Kurnool District to provide house sites to the weaker sections.

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3. Government, after careful examination of the above proposal, hereby accord permission to the Director of Social Welfare, A.P., Hyderabad for release an amount of **Rs. 1,64,39,489/-** (Rupees One Crore Sixty Four Lakhs Thirty Nine Thousand Four Hundred and Eighty Nine only) to the District Collector, Kurnool in respect of O.P. Nos. 254, 255, 256, 257, 258/1993, for the lands acquired to an Extent of Ac. 7.92 Cts in Sy. No. 146 etc., in Prathakota Village, Pagidyala Mandal, of Kurnool District to provide house sites to the weaker sections.

4. The expenditure sanctioned in para (3) above shall be met within the BE.2014-15 and debited to the following Head of Account:

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

5. The Director of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, Kurnool, to comply with the Court orders in O.P No. 254, 255, 256, 257, 258/1993.

6. The District Collector, Kurnool shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of the Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

7. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.
(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. VIJAY KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Chief Secretary & Chief Commissioner of Land Administration,
A.P., Hyderabad
The Director of Social Welfare, A.P., Hyderabad,
The District Collector, Kurnool
Copy to:
The Director of Treasury & Accounts, A.P., Hyderabad,
The Accountant General, A.P., Hyderabad,
The District Treasury Officer, Kurnool District.
Finance (Exp.SW/BG) Department
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER